

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ALEX ADAMS, #1181239,

Plaintiff,

v.

ASHLEE CANTWELL,

Defendant.

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Case No. 6:20-cv-11-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Alex Adams, a Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

Before the Court is Defendant Cantwell's motion for summary judgment. Docket No. 55. On August 2, 2022, Judge Mitchell issued a Report recommending that the Court grant the motion and dismiss Plaintiff's claims with prejudice. Docket No. 75. A copy of this Report was sent to Plaintiff.

Rather than filing objections, Plaintiff filed several miscellaneous motions that neither address the substance of Judge Mitchell's Report nor the underlying claim in this lawsuit. *See* Docket Nos. 76–78. The Court determines that such filings cannot be construed as objections to Judge Mitchell's Report because Plaintiff does not specifically reference or challenge the Report and, instead, claims the case was

“overturned.” Docket No. 76 at 2; *see Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc) (explaining that frivolous, conclusory, or general objections need not be considered by the district court), *overruled on other grounds by Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996) (en banc); *see also Valez-Pedro v. Thermo King De Puerto Rico, Inc.*, 465 F.3d 31, 32 (1st Cir. 2006) (explaining that an objecting party must put forth more than “[c]onclusory allegations that do not direct the reviewing court to the issues in controversy.”).


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not properly object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to

law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 75) as the findings of this Court. The Court hereby **GRANTS** Defendant Cantwell's motion for summary judgment (Docket No 55) and **DISMISSES** Plaintiff's claims in this case with prejudice.

So **ORDERED** and **SIGNED** this **6th** day of **September, 2022**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE